

REMARKS

Claims 1-2, 4-8, 11-12, 17, 37 and 50-62 are pending in the application. Claims 18-19, 23-32, 34, 39-41, 44 and 49 have been cancelled from this application without prejudice in response to the examiner's restriction requirement. Claims 1-2, 11, 17 and 37 are amended above and claims 50-62 have been newly added to the application. No new matter has been added to the application by way of these specification and claim amendments.

I. TRAVERSE OF THE RESTRICTION REQUIREMENT

The examiner issued a restriction requirement for this application in which the examiner takes the position that the claims are directed to three distinct inventions. In response to the restriction requirement, the Applicant has cancelled claims directed to the Group III invention from the application without prejudice. However, the Applicant traverses the restriction requirement with respect to the division of the Group I and Group II invention claims.

A. The Group I And Group II Claims Form A Single Inventive Concept

The Group I claims and the Group II claims must be examined together because they form a single inventive concept. The Group I claims include independent claim 1. The sole Group II claim – claim 17 – is amended above to depend upon claim 1. Moreover, a new method claim 62, which also depends upon claim 1 – has been added to the application in this Preliminary Amendment.

37 CFR § 1.475(b)(5) provides that claims of an international application shall be considered to have unity of invention and shall be examined as a single invention where, as here, they are directed to “a product, a process specifically adapted for the manufacture of the said product, and an apparatus or means specifically designed for carry out the said process.” Section 1.475(b)(5) applies here. Pending claim 1 is directed generally to a munitions casing. Claim 17 – which now depends upon claim 1 – is directed to a method of using the munitions casing recited in claim 1. Finally, new claim 62, which depends upon claim 1, is directed to a method of manufacturing the munitions casing of claim 1. It is clear, therefore, that claims 1, 17 and 62 fulfill the requirements of section 1.475(b)(5) and must be examined together along with dependent claims 2, 4-8, 11-12, 37 and 50-61.

B. The Provisional Election

The Applicant provisionally elects to proceed with the examination of Group I claims which now include at least claims 1-2, 4-8, 11-12, 37 and 50-61. If applicable, the Applicant additionally elects to proceed with evaluation of claims directed to species D.

Respectfully submitted,

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